Application No.: 10/623,653 Attorney Docket No. 0465-1040P Art Unit 2655 Amendment filed January 3, 2005

Page 8

REMARKS

Applicants thank the Examiner for the very thorough consideration given

the present application.

Claims 19-39 are now present in this application. Claims 19, 26, 29 and

37 are independent.

Claims 1-18 have been canceled, and claims 19-39 have been added.

Reconsideration of this application, as amended, is respectfully requested.

I. Priority Under 35 U.S.C. § 119

Applicants thank the Examiner for acknowledging Applicants' claim for

foreign priority under 35 U.S.C. § 119, and receipt of the certified priority

document.

II. Information Disclosure Citation

Applicants thank the Examiner for considering the references supplied

with the Information Disclosure Statement filed July 22, 2003, and for

providing Applicants with an initialed copy of the PTO-1449 form filed

therewith.

Application No.: 10/623,653 Attorney Docket No. 0465-1040P

Art Unit 2655 Amendment filed January 3, 2005

Page 9

Ⅲ. Drawings

Applicants have not received a Notice of Draftsperson's Patent Drawing

Review PTO-948 indicating whether or not the formal drawings have been

approved by the Draftsperson. Since no objection has been received, Applicants

assume that the drawings are acceptable and that no further action is necessary.

Confirmation thereof in the next Office Action is respectfully requested.

IV. Rejection Under 35 U.S.C. § 101

Claims 1-18 stand rejected under 35 U.S.C. § 101 as claiming the same

invention as claims 1-14 and 25-28 of U.S. Patent No. 6,614,740. This rejection

is respectfully traversed.

While not conceding the appropriateness of the Examiner's rejection, but

merely to advance prosecution of the instant application, Applicants respectfully

submit that claims 1-18 have been cancelled, thus rendering this rejection under

35 U.S.C. § 101 moot. Accordingly, reconsideration and withdrawal of this

rejection are respectfully requested.

V. Claims 19-39

Claims 19-39 have been added for the Examiner's consideration.

Independent claims 19, 26, 29 and 37 recite combinations of steps in a

Application No.: 10/623,653 Attorney Docket No. 0465-1040P

Art Unit 2655 Amendment filed January 3, 2005

Page 10

method for detecting a non-writable region of an optical recording medium which

are not disclosed or made obvious by the prior art.

Applicants submit that claims 20-25, 27, 28, 30-36, 38 and 39 depend,

either directly or indirectly, from independent claims 19, 26, 29 and 37, and are

therefore allowable based on their dependence from independent claims which

are believed to be allowable, as well as for reciting further limitations which are

not disclosed or made obvious by the prior art.

Consideration and allowance of claims 19-39 are respectfully requested.

VI. Conclusion

All of the stated grounds of rejection have been properly traversed,

accommodated, or rendered moot. Applicants therefore respectfully request that

the Examiner reconsider all presently outstanding rejections and that they be

withdrawn. It is believed that a full and complete response has been made to the

outstanding Office Action, and as such, the present application is in condition

for allowance.

If the Examiner believes, for any reason, that personal communication will

expedite prosecution of this application, the Examiner is invited to telephone

James T. Eller, Jr., Registration No. 39,538, at (703) 205-8000, in the

Washington, D.C. area.

Application No.: 10/623,653 Attorney

Art Unit 2655

Attorney Docket No. 0465-1040P Amendment filed January 3, 2005

Page 11

Prompt and favorable consideration of this Amendment is respectfully

requested.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully

petition for a one (1) month extension of time for filing a reply in connection

with the present application, and the required fee of \$120.00 is attached

hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent,

and future replies, to charge payment or credit any overpayment to Deposit

Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or

1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

Bv:

James T. Eller, Jr.

Reg. No.: 39,538

JTE:mmi

P.O. Box 747

Falls Church, Virginia 22040-0747

Telephone: (703)205-8000